

Location **39 Harman Drive London NW2 2ED**

Reference: **18/3330/RCU** Received: 30th May 2018
Accepted: 5th June 2018

Ward: Childs Hill Expiry 31st July 2018

Applicant: Mr Ayad Al-Shakarchi

Proposal: Single storey extension rear including extension of patio (Retrospective Application)

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan; AA189-28 Rev 01 Pre-existing Location Plan; Existing Site Plan; Pre-Existing Site Plan; Existing Location Plan; Pre-existing Ground Floor Plan; Existing Ground Floor Plan; Pre-existing First Floor Plan; Existing First Floor Plan; Pre-existing Roof Plan; Existing Roof Plan; Pre-existing Rear Elevation; Existing Rear Elevation; Pre-existing Section AA; Existing Section AA; Existing Section BB; EXisting and Proposed Section AA; Design and Access Statement

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 Before the development hereby permitted is first occupied, the glazed screen to the first floor balcony shall be installed as shown on the approved drawings.

The screens shall be installed in accordance with the details approved before first occupation and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of neighbouring occupiers or the character of the area in accordance with policies

DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted 2016) and the Sustainable Design and Construction SPD (adopted 2016).

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

The application was deferred at the previous meeting to allow Members to undertake a site visit to the adjoining property.

1. Site Description

The application site is located on the northern side of Harman Drive, close to the junction with Harman Close, within the Childs Hill ward.

The application property is a semi-detached residential dwelling house, which benefits from an L-shaped footprint to the rear affording it a staggered original rear building line.

The site is not located within a Conservation Area and holds no individual designation.

2. Site History

Reference: 16/2100/HSE

Address: 39 Harman Drive, London, NW2 2ED

Decision: Approved subject to conditions

Decision Date: 20 May 2016

Description: Conversion of garage into habitable room, replacement of garage door with bay window

Reference: C03721

Address: 39 Harman Drive, London, NW2 2ED

Decision: Approved subject to conditions

Decision Date: 14 June 1972

Description: Conversion into two self-contained flats

Enforcement investigations are on-going in respect of various works to the property. The current application relates only to the rear extension and adjoining patio. The plans submitted show that a small section of the boundary wall with no. 38 (the curved section) would be lowered to match the height of the main wall.

3. Proposal

This application seeks retrospective consent for a single storey rear extension with pitched roof and extension of patio.

The extension measures 3m depth along the shared boundary with the attached neighbour at 38 Harman Drive for a width of 4.5m, and then steps out an additional 2.8m for a width of 4.4m closest to the shared boundary with 1 Harman Close, creating a total of 4m depth along this side of the property. The height of the extension is 2.6m to the eaves on the side closest to 38 Harman Drive, rising to 3m high where the roof meets the main dwelling house and 2.5m on the side closest to 1 Harman Close.

The patio infills the area adjacent to the staggered building line of the new extension, with two new steps down on a diagonal axis.

4. Public Consultation

5 consultation letters were sent to neighbouring properties.
15 objections have been received

The views of objectors can be summarised as follows;

- Out of character
- Building work carried out on Sundays
- Front elevation should be made to be in line with other properties
- No permission for what has been built
- Extension built on neighbour's land
- Extension too big
- Windows out of character
- Side wall of extension results in a loss of light
- Dangerous precedent for future development
- No regard for planning regulations
- Roof of extension comes above neighbour's balcony
- They are completely out of keeping with the neighbourhood. Accepting this will allow others to follow and thereby destroy a style that has been successfully preserved for almost a century.
- The extension is higher than allowed under Permitted Development rights, longer than allowed under Permitted Development rights and intrudes into a neighbour's garden.
- The extension deprives a neighbour of direct sunlight.
- There has been an increase in height of the previous boundary wall and encroachment onto neighbour's land.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;

- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

This application seeks consent for the retention of a single storey rear extension and extension of patio.

The extension measures 3m depth along the shared boundary with the attached neighbour at 38 Harman Drive for a width of 4.5m, and then steps out an additional 2.8m for a width of 4.4m closest to the shared boundary with 1 Harman Close, creating a total of 4m depth along this side of the property. The height of the extension is 2.6m to the eaves on the side closest to 38 Harman Drive, rising to 3m high where the roof meets the main dwelling house and 2.5m on the side closest to 1 Harman Close.

The patio infills the area adjacent to the staggered building line of the new extension on the side closest to 38 Harman Drive, with two new steps down on a diagonal axis.

The adopted Residential Design Guidance stipulates that;

"The depth of a single storey rear extension, normally considered acceptable for terraced properties is 3 metres, for semi-detached properties it is 3.5 metres, and detached property is 4 metres.

Single storey rear extensions to the original house, need to ensure that:

- the depth and/or height of the extension does not cause a significant sense of enclosure, or loss of outlook from, or light to, principal windows of habitable rooms of neighbouring properties
- they do not look too bulky and prominent compared to the size of the main building and garden to which they relate
- if the garden space is in breach of amenity standards then application will normally be refused
- in addition, if the adjoining house is at a lower level or has a rear building line set back from your rear building line, the depth of the proposed extension may need to be reduced in order to protect amenity of your neighbour."

The proposed extension would adhere to guidance in that it projects 3m along the boundary with the attached neighbour at 38 Harman Drive. On the other side, closest to 1 Harman Close it is noted as projecting 4m, however, as this property has an existing extension which the one at the application property would line up with, there would be no detrimental harm to the amenities of either neighbour. Therefore, due to the existing development on both sites; the extension at 1 Harman Close and brick wall between the pair of semi-detached properties combined with the proposed development being single storey, it is considered that the proposals will not detrimentally impact upon the amenities of the occupiers at either neighbouring site.

The proposals are considered to be acceptable. It is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

5.4 Response to Public Consultation

The concerns raised by neighbours are noted. Many of the objections were in relation to matters not relating to this application for the retention of the single storey rear extension and patio. The extension built at the application property is considered to be acceptable; the design and appearance is considered appropriate and in line with the stipulations of the adopted Residential Design Guidance and it is not considered to be detrimentally harmful to the amenities of neighbouring occupiers.

The concern raised that the applicant has built the extension prior to applying for permission is noted. However, it is at the risk of the applicant if they wish to do so and not impact on our assessment of the proposals.

In regard to the extension being positioned on the neighbour's land, this is a civil matter rather than a planning matter but it should be noted that a Certificate B has been signed on the application form giving notice to this neighbour. Furthermore, the submitted Design and Access Statement makes reference to a Party Wall agreement signed by both parties.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and support the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



